

DETAILED ACTION

Status of Claims

In response to applicant's submission dated 3/11/2010, claims 1-15, 18, 20, 23-29, 31-36, and 43-52 are pending in this application. Claims 16-17, 19, 21-22, 30, and 37 have been cancelled.

Claim Rejections - 35 USC § 103

The following is a quotation of the relevant portion of 35 U.S.C. 103 that forms the basis for the rejections made in this section of the office action;

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.

Claims 1-15, 18, 21-22, 24-29, 36, and 40-42, are rejected under 35 U.S.C. 103(a) as being unpatentable over Bliss et al. – ‘Communality of Video Game Performance with Tracking Tasks’ - *abstract*.

Regarding claims 1, 14, 18, and 36, The abstract of the Bliss article describes a study in which users played a video game as part of a training task for a corresponding tracking task, and the performance on a corresponding tracking (i.e. attention) task. The task is disclosed as requiring different psychological actions from the video game trainer. See the provided abstract. The limitation wherein the trainer pertains to sport activities is excessively broad, as one of ordinary skill in the art at the time of the rejection would be capable of using this concept established by Bliss with video games designed for various purposes.

Regarding claim 2, the Bliss abstract discloses wherein the task and the video game do not require common psychological actions.

Regarding claims 3-5, 7, and 15, Bliss discloses wherein the system breaks the tasks into a series of cognitive skills and actions related thereto – i.e tracking skills.

Regarding claim 6, Bliss discloses in the abstract multiple differences directly pertaining to the psychical interaction with the system.

Regarding claims 10-11 and 27, Bliss discloses wherein the system is designed to test if the video game helps with particular real world actions (i.e. tracking actions).

Regarding claim 12, Bliss discloses wherein the user utilizes input and output devices in conjunction with the trainer.

Regarding claim 13, Bliss discloses wherein the actions the trainer is based upon are maintained in a profile that characterizes the user (i.e. the experiment took place over years, so there had to be some maintenance of the data).

Regarding claims 28-29, Bliss discloses wherein the subject interacts with the system via inputs in an iterative manner (the video game presumably builds skills in levels).

Regarding claim 8-9 and 24, Bliss discloses wherein the system develops a heuristic training plan for the user (the video games *are* the training plans).

Regarding claims 25 and 26, Bliss discloses wherein the parameters of the trainer are task related. They are based towards specific 'tracking tasks'.

Regarding claims 36 and 40-41, the 'tracking tasks' disclosed by Bliss would require motion perception, motor schema, and also the video game requires game tactics.

Regarding claims 42, Bliss discloses wherein trainer breaks the tasks into a series of cognitive skills and actions related thereto (the plurality of tracking tasks).

Allowable Subject Matter

Claims 20 and 31-35 are objected to as depending from a rejected base claim, but would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims. These claims are considered as allowable because while the prior art teaches of using video game trainers to teach cognitive skills which are generalized to various situations, there is no specific teaching or suggestion wherein the trainers generalize to specific sports related tasks.

Claims 38 and 39 are indicated as allowable for the reasons described above regarding claim 20. .

Claims 23 and 45 are objected to as depending from a rejected base claim, but would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims. These claims are considered as allowable because while the prior art teaches of using video game trainers to teach cognitive skills which are generalized to various situations, there is no specific teaching wherein the skills are mapped to specific situations *automatically*.

Response to Arguments

Applicant's arguments dated 3/11/2010 have been fully considered, but are moot in view of the new grounds of rejection. The office apologizes for the withdrawal of allowable subject matter (former claims

19, 30), as upon further consideration, the limitation of making the system focused on sports is now rejected as described above. This action is non-final.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TIMOTHY MUSSELMAN whose telephone number is (571)272-1814. The examiner can normally be reached on Mon-Thu 6:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571)272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. M./
Examiner of Art Unit 3715

/XUAN M. THAI/
Supervisory Patent Examiner, Art Unit 3715